App. F. IX-4

1935

(Loans

File No. 174 -

Serial Nos. 1 -

Previous References

Loans 110-33-1
to 161-30(1-3)

Later References

PRESERVED

GENERAL AND REVENUE SECRETARIAT

Serial Nos. 2

(13)

Part B for July 1936

SUBJECT

Proposal of the Dy. Com. Sialkot to exempt
the conduct of execution ~~proceedings~~ and
~~pleaders~~ relating to recovery of
due to govt. in pauper suits
fees to hired pleaders

Govt. of 391-30/13-7-36 Home Dept.

Conduct of Civil Suits relating to the recovery with Fee in Rule 81

6114

General and Revenue Secretariat | Law File No. 178 of 1935. | [App. F. III—2

Serial No.

Dear,

Re D.C. Shimoga

no. Ag. C. 1658-125 | 35-36 dt 31.3.36 stating that Mr. Shimoga has expressed inability to conduct the Execution Cases relating to the recovery of Instn fee dt to Govt in pauper suits, on account Continuous Sessions work and appeal work, and soliciting sanction of Govt to entrust those Cases to some Competent local lawyer.

1) Submitted with a dft G.O. Sanctioning of

ISD 4/4

2) Please put up the file relating Mr B. Krishnarao's appointment & extension as PP, Shimoga

ME 4/4

3) The required files are put up.

ISD 3/4

4) The D'ct Magte, Shimoga requests for sanction of Govt to entrust cases relating to execution of decrees for recovery of institution fees due to Govt in pauper suits to some local lawyers as the PP, Mr Krishnarao has expressed his inability to attend to these Cases on account of the "Continuous Session and

NOTE.—Contn. Sheet.

WD 03594—GPB—30,000—18-7-35

appellate work" It is no doubt true that the arrangement proposed by the Dt Magte involves no additional cost to Govt but the principle involved is of some importance. Under the Rules for the Conduct of Legal affairs of Govt, the PPr is an ex-officio Govt pleader and as such has to attend to all the Civil Cases of Govt in the Courts of Dt Ct and other Courts located in the Head quarters of this division. He is a salaried officer of Govt and has a regular office. By his appointment, he is bound by the Rules for the Conduct of Legal affairs of Govt wherein his responsibilities are fixed & procedure prescribed to enforce them. If therefore a portion of his work as Govt pleader and that to which the unremunerative portion of it is taken away from him and entrusted to another pleader or a set of pleaders, his superintendence & control becomes a matter of some difficulty. It is not so easy to enforce our rules etc in the case of a private local practitioner as it is

in respect to transp

Serial No.

in the Case of a paid officer as the PPr. The appointment of a private practitioner in special cases when the PPr is otherwise engaged is unavoidable and is contemplated in the Rules; but to make such an appointment for all cases of a particular nature is against the Rules and is also not a desirable policy to be adopted.

5) As a matter of fact, I do not think the sessions or other work in the Shimoga Dn is as heavy as in either Bangalore or Mysore but none of the two PPrs of these divisions have ever complained of inconvenience to attend to execution cases. The difficulty in the Shimoga Dn appears to be more imaginary to Mr Krishnarao than to the nature or quantity of work there. If there relief is necessary, I would suggest a separate Govt pleader being appointed for Shimoga and all the Civil cases of Govt entrusted to him, Mr Krishnarao continuing only as a Public Prosecutor for the rest of his term which is up to 24th May 1937. The Govt pleader would get no fixed salary but he will be entitled to fees on the scale fixed under

NOTE.—Contn. Sheet.

WD 03594—GPB—30,000—18-7-35

614

File No. 178 of 1935. General and Revenue Secretariat

GENERAL SECT. 6 APR. 1936 139

the rules. If this is approved, it is perhaps desirable to ~~appoint~~ now select the Govt pleader such that he may ultimately be appointed as P.P. also, when Mr. Krishnadas's term expires.

(Jiewsey) BDR 6.36

For perusal.

6) The proposal of the DC to give the cases to some local counsel may be approved. He may suggest the counsel who may be entrusted with the work.

The other questions considerations suggested in the Asst Secy's note need not be considered for the present.

MD 6/4

Member

MM 6/4

I agree.

The position is however unsatisfactory. P.P. is apt to delay many things unless a more active & energetic Off. will actively attend to

OFFICE FIRST SECTION 7 APR

TYPING SECTION 11 APR. 1936 GEN'L & REV. SEC.

SD 7/4

MD 7/4

8) Draft Go. already put up is revised & submitted for approval

GENERAL SECT. 6 APR. 22

Serial No.

To,

The D C Shimoga

Complaint

of Mr. Shimoga

G.O. no. P. 6796-8 dt 14.4.36 sanctioning the proposal and requesting to ~~suggest~~ suggest the name of a Competent Lawyer

From,

The D.C. Shimoga

D.O. no. A3.C. 1658/35-36 dt 4.7.36 stating that if only one Counsel is entrusted with all the Execution Cases, it is apprehended that it might lead to Congestion Consequent delay in the recovery and ~~suggesting~~ recommending that permission may be granted to entrust the C to Messrs. T. Venkatakrishnaya, L. Subba K. Seetharama Sastri, and R. Krishna Advocates, Shimoga.

10) Submitted for orders with reference to para 6 sup

11) It would facilitate Superintendence and control if these cases are entrusted to one Counsel instead of to three four recommended by the D.C. After all there are only about 40-50 decrees pending

NOTE—Contn Sheet.

WD 03594—GPB—30,000—13-7-35

Law File No. 178 of 193J. | General and Revenue Secretariat

for execution as reported in the D.C's letter of 31st march 1936.

12) In any case, the terms of the engagement must be fixed before the briefs are entrusted and the periodical reports obtained as to the progress of the Case must be obtained by the D.C. Sub^d for orders -

Gen Sey) pre 8/7 + also A above

The D.C's proposal may be approved progress st reported each month.

pre 9/7

Fin Member) Sd 10/7 pre 10/7

Draft pre 11/7

for S.O. Sub^d

Issue pre 11/7

Noted in G.O. No. P 391 - 3 Law - 178 - 35 - 4 / Dated 13th July 1936 to the D.C. Shimoga, Comptr., P.W., Shimoga approving the proposal of D.C. Shimoga about the Continuing the execution Cases relating to the recovery of institution fee due

B 11/7

SECRETARIAT 8 JULY 1936 239

CENTRAL OFFICE FIRST RECEIPT SECTION 9 JULY 1936 No. 214

TYPING SECTION 11 JUL. 1936 GENL & REV. SECTT.

6114

No. A3.C.1658-1:5/35-36

OFFICE OF THE DEPUTY COMMISSIONER,
SHIMOGA DISTRICT.

Dated Shimoga, March 31, *1936.*

Law 178-35-1

From

S. Narayana Rao, Esq., M.A.(Hons.),
Deputy Commissioner,
Shimoga District.

To

M. Venkatesa Iyengar, Esq., M.A.,
General Secretary to Government,
Bangalore.

GENERAL SECTT. 2-APR 1936

Sir, 2/4/36

Subject: Re: Appointment of a Local Pleader for conducting Civil Suits relating to recovery of Institution F e e s.

I have the honour to state that the Public Prosecutor, Shimoga Division, has, in his letter No.336 dated 23-2-36, stated that owing to 'continuous Sessions and appellate work,' it has become practically impossible for him to attend to the execution cases relating to the recovery of Institution fees due to Government and has therefore requested that this work might be got entrusted to any of the local pleaders.

At present there are 41 decrees pending with the Public Prosecutor and the amount due to Government in respect of these decrees comes to Rs 7027-6-0. It may be stated that the number o suits has been increasing and that prompt action has not been t taken by the Public Prosecutor in several old cases. If execution proceedings are not taken immediately in respect of these cases, there is every likelihood of Government suffering oss under this head, I have to state that two cases in which Execution Proceedings had to be immediately taken, had to be emporarily entrusted to a local Pleader to prevent loss to overnment, as the Public Prosecutor was absent from the Station ow that the Public Prosecutor himself has pleaded his inability o cope with the work and that action will have to be taken

is found necessary to appoint a competent local Pleader for conducting the Execution Proceedings in Pauper Suits for the recovery of Institution Fees due to Government.

According to Rule 47 of the Rules for the Legal Affairs of Government, the Government Pleaders have to conduct or defend Civil Suits on behalf of Government or an officer of Government in the District Court and other Subordinate Courts located in the Head Quarters of their respective Divisions, their remuneration being fixed in accordance with Rule 5 (b) and (c) of the Rules for the Legal Affairs of Government The Public Prosecutor appointed under the Rules hardly finds the required time to attend to Execution Proceedings and heavy arrears have therefore accumulated. A local Pleader who could pay particular attention to this work has to be specially appointed and by making such an appointment no extra expenditure would be incurred in view of the fact that the remuneration to the Legal Practitioner for conducting the Civil Suits would be fixed in accordance with Rule 51(i) of the Rules for the Legal Affairs of Government, and this will be the same whether cases are conducted by the Public Prosecutor or by any other local Pleader.

In view of the circumstances set forth above I request that sanction of Government may kindly be obtained very early for the appointment of one or more Local Counsels for conducting execution proceedings in miscellaneous suits for the recovery of fees due to Governmen

I have the honour to be,
Sir,
Your most obedient servan

S. Nanjunda Rao

Deputy Commissioner,
Shimoga District

Abstracted
DBM
15/6.

G. R. S. App. F VI—G 2]

SUBJECT .....

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.....

Diary. No. of letter replied to.....

Section Law

File No. 178-35

Serial No. 2

General and Revenue Secretariat

( )

the *193*

Proceedings of the Government of His Highness the Maharaja of Mysore.

Date of issue 16.4. 193 6.

Signed by Asst. M. R. J.

Read— Letter no. A3.C. 1659/35-36 dt 31.3.36 from the D. Shimoga stating that the Asst. Shimoga in his letter no. 336 dt 23.2.36 has expressed his wish to Conduct the Execution Case relating to the recovery of costs ~~Order thereon.—No.~~ and fee due to Govt in pauper suits on account of Continuous Season and applied work, and requesting in the Circumstances stated sanction of Govt to entrust such Case to

May this be—

(i) printed?

(ii) treated as a standing order?

(iii) published in the Gazette, English Part?

(iv) translated?

(v) placed at the disposal of the press?

(vi) published in the Gazette, Kannada Part?

Order:- In the circumstances reported ~~the proposal of the~~ ~~executive~~ ~~engage the~~ ~~Advocate~~ ~~A Counsel~~ ~~for the~~ ~~Defendant~~ ~~Defendant~~ ~~Defendant

PROCEEDINGS OF THE GOVERNMENT OF HIS HIGHNESS
THE MAHARAJA OF MYSORE

Read:-

Letter No.A3.1658-125/35-36 dated 31st March 1936 from the Deputy Commissioner, Shimoga stating that Public Prosecutor, Shimoga in his letter No. 336 dated 23rd February 1936 has expressed his inability to conduct the execution cases relating to the recovery of Institution fee due to Government in Paup Suits, on account of continuous Sessions and appellate work, and soliciting in the circumstances stated sanction of Government to entrust such cases to one or more local lawyers.

Order No. P 6796-8 Law 178-35.

Dated, Bangalore, the 11th April 1936.

In the circumstances reported, the proposal of the Deputy Commissioner to engage other local counsel for execution cases referred to in the letter read above is approved. The Deputy Commissioner is requested to suggest the name of a competent Lawyer in Shimoga to whom the work may be entrusted.

C. S. Srinivasa Char
for General Secretary to Government.

To

The Deputy Commissioner, Shimoga District.
" Comptroller to Government.
" Public Prosecutor, Shimoga.

145 P 836 6

C. No. A3.C. 1656-145/35-36 OFFICE OF THE DEPUTY COMMISSIONER, SHIMOGA DISTRICT,

Dated Shimoga,.....July..4,.....*1936* .

CONFIDENTIAL.

From

S. Narayana Rao, Esq., M.A. (Hons),
Deputy Commissioner, Shimoga District.

To

6 JULY 1936

M. Venkatesha Iyengar, Esq., M.A.,
General Secretary to Govt., Bangalore.

Sir, ml 617

Referring to G.O.No. P 6796-8/Law. 175-35-2 dated 14-4-1936 in the matter of suggesting the name of a competent Lawyer in Shimoga to whom the conducting of execution cases relating to the recovery of Institution fee due to Government in pauper suits might be entrusted, I have the honour to state that if only one

1. Mr. Y. Venkatakrishnaiya, B.A., B.L., Advocate.
2. Mr. L. Siddappa, B.A., LL.B., Advocate.
3. Mr. K. Seetharama Sastri, B.A., LL.B., Advocate.
4. Mr. R. Krishna Shetti, B.A., LL.B., Advocate.

} Counsel is entrusted with all the execution cases, it is apprehended that it might lead to congestion and consequent delay in the recovery of Institution Fees.

I suggest therefore the names of the marginally noted Lawyers and recommend that permission may be granted for entrusting such cases to any of them according to the nature and importance of the cases.

I have the honour to be,
Sir,
Your most obedient servant,

S. Narayana Rao

Deputy Commissioner,
Shimoga District.

G. R. S. App. F VI—G 2]

SUBJECT .....

.....

.....

Diary. No of letter replied to .....

General and Revenue Secretariat

( )

the 19

Date of issue 13-7- 1936

Signed by ..... Sri. N. R. J.

May this be—

(i) printed ?

(ii) treated as a standing order ?

(iii) published in the Gazette, English Part ?

(iv) translated ?

(v) placed at the disposal of the press ?

(vi) published in the Gazette, Kannada Part ?

Section Law

File No. 178-35

Serial No. 4

Proceedings of the Government of His Highness the Maharaja of Mysore.

Read— G.O. no. F.6796-8

Law 178-35-2 d 14.4.1936 approving the proposal of the D.C. Shimoga, ~~according sanction to engage~~ to entrust the ~~some local lawyers for~~ Conduct of Execution Case re to ~~be~~ recovery of institution fee to Govt in pauper suits in S ~~Order thereon. No.~~ Districts to oth Counsel and requesting further, 2. Letter no Ag. 1655-125/35-36 d 4.7.36 fr ~~the~~ D.C Shimoga ~~asked~~ Suffer the names of the four counsel noted in the margin and Soliciting permission to entru conduct of the ~~execution~~ Cases referr ~~in the above case~~ to in the G.O. read above to ~~be engaged~~ any of them according to the nature ~~at Shimoga~~. & importance of the Ca

Refarding The Selection of such Counsel)

J. Venkata Krishnaya, B.A. B.L.,
L. Siddappa, B.A., LL.B.,
K. Seetharama Setti, B.A., LL.B.,
A. Krishna Shetti B.A. LL.B.

Order:— 1-11-0

Govt approve the proposals of the ~~He permanent Counsel for~~ Deputy Comr, Shimoga who is requested to fix up the ~~granted. for direct that the~~ terms of the engagement ~~must be~~ fixed before the briefs are entrusted to the Advocate. ~~He~~ he must also ~~report~~ to get ~~period~~ progress reported ~~every~~ each month, ~~and so that~~ he may keep himself in ~~of~~ the action taken in the ~~case~~ cases ~~reported each month. Proceeded.~~

Sd/ Gen Secy
11/7 Sd 17/7

To,

The DC Shimoga

Comptroller

Bl Br. Shimoga

PROCEEDINGS OF THE GOVERNMENT OF HIS HIGHNESS
THE MAHARAJA OF MYSORE

Read:-

Government Order No.P.6796-8 Law.178-35-2 dated 14th April 1936, approving the proposal of the Deputy Commissioner, Shimoga, to entrust the conduct of execution cases relating to the recovery of institution fee due to Government in pauper suits in Shimoga District to other counsel and requesting further proposals regarding the selection of such counsel.

2. Letter No.J3.C.1658-125/35-36 dated 4th July 1936, from the Deputy Commissioner, Shimoga District, suggesting the names of the four Counsel noted in the margin and soliciting permission to entrust the conduct of the cases referred to in the Government Order read above to any of them according to the nature and importance of the cases.

Messrs. Y.Venkatakrishnaiya, B.A., B.L.,
L.Siddappa, B.A., LL.B.,
K.Seetharamasastri, B.A., LL.B.,
P. Krishnashetti, B.A., LL.B.,

ORDER NO. P391-3 Law 178-3524

Dated, Bangalore, the 13th July 1936.

Government approve the proposals of the Deputy Commissioner, Shimoga, who is requested to fix up the terms of the engagement before the briefs are entrusted to the Advocates. He must also arrange to get progress reported each month.

Jr. General Secretary to Government.

TSP

The Deputy Commissioner, Shimoga District.
The Comptroller to Government.
The Public Prosecutor, Shimoga District.